

REMARKS

The present application includes claims 1-20 and 22-24. Claim 21 was cancelled and claim 24 is new. Claims 1, 4, 6, 7, 9 and 14 were amended for clarity.

Claims 1-8 stand rejected under 35 U.S.C. 102(e) as being anticipated by Derks et al., (U.S. patent 6,021,119). Applicant respectfully traverses the rejection and states that the Examiner has not established a *prima facie* case of anticipation, since at least one limitation of claim 1 is not taught by Derks. Nonetheless, in order to further the application towards allowance, applicant amended claim 1 to use the term acoustic wave and otherwise make the claim clearer.

Claim 1, as amended, requires transmitting an acoustic wave from the personal communicator to the computer and receiving the wave via a microphone. Derks does not teach or suggest receiving an acoustic wave via a microphone. In Derks, the microphone is used to convert a sound, generated by a user into electromagnetic signals, as the signals in Derks are passed over a phone line referred to as audio link 84. That audio link 84 is a telephone line is specifically shown in Fig. 1 in block 86 and stated in col. 4, lines 54-56. As is well known in the art, phone lines do not carry acoustic waves that are eventually received by a microphone, but rather transfer electromagnetic signals to a modem or other network interface of a computer. Furthermore, the emphasis that wireless remote system 23 of Derks is geographically separated from central location 21 (col. 4, line 28 and col. 2, line 46) clearly implies that the audio signals collected by the microphone of remote system 23 are not transferred to a microphone of the central computer, since audio sounds do not normally propagate between geographically separate locations.

The passages related to by the Examiner, namely col. 2, lines 27-43 and 51-60 and col. 1, lines 30-34 relate to a voice communication channel (col. 1, line 34), an audio transmitter (col. 2, lines 28-29) and an audio connection (col. 2, line 54), which as discussed above must be interpreted as relating to electromagnetic signals carrying voice data. Furthermore, on col. 6, lines 22-27, the audio transmitter 47a is qualified as transmitting signals in a 800 MHz frequency band, clearly a band of electromagnetic signals and not signals that are received by a microphone of a computer. In addition, the use of antennas 48a and 48b (col. 6, lines 30 and 40) relates to electromagnetic signals and not signals that are received by a microphone.

Applicant also notes that the call verification mentioned on col. 5, lines 37-39 of Derks, related to by the Examiner, is performed by the phone manager and not by a sub-system of the computer, as required by claim 1.

The interpretation that Derks relates to transmission of an audio response to a sound receiving sub-system is not supported by the passages of Derks cited by the Examiner or by any other portion of Derks which applicant is aware of, as discussed above. Applicant further refers for example to Fig. 13 of Derks, which shows connecting remote sites through phone lines and not by transmission to a sound receiving sub-system.

The dependent claims are patentable at least because they depend on an allowable base claim.

Claims 9-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Derks et al., (U.S. patent 6,021,119) in view of Mark (U.S. patent 5,583,933). Applicant respectfully traverses the rejection and states that the Examiner has not established a *prima facie* case of obviousness, since at least one limitation of claim 9 is not taught by either of the cited references.

Claim 9 requires transmitting authentication signals over a closed loop including an audio transmission section in a first direction between the sound receiving-and-generating sub-system of the computer and the personal communicator, and a section over the communication network in an opposite direction.

Neither of Derks and Mark teaches using a communication network for communicating in one direction and an audio transmission section for the other direction. Derks uses the phone line for communication in both directions and does not teach or suggest using different transmission sections for the different directions.

Mark suggests dialing and authenticating using a smart card. In Mark, the auto-dialer is capable of transmitting and receiving information over telephone lines using DTMF tones, without the need for a specialized interface other than a standard telephone (col. 5, lines 46-56). Mark only uses another input interface for programming the auto-dialer, possibly at the time of manufacture (col. 6, lines 20-25).

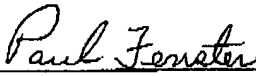
Thus, neither of the cited references teaches or suggests using an audio transmission section in a first direction and a communication network section in an opposite direction. In order to support an obviousness rejection, the Examiner must provide reasoning why use of these two different types of communication sections for the closed loop communications is desirable. Particularly, if a communication network section is available, why should audio transmission be used. It is noted that, as mentioned above, Mark is particularly directed for transmission when a specialized interface is not available.

The dependent claims are patentable at least because they depend on an allowable base claim. Nonetheless, at least new claim 24, which requires that the audio transmission section is a wireless section, adds further patentability over the art, as neither of the cited references relates to a wireless audio transmission section, as both references transmit the signals over telephone lines.

Applicant further points out that a 1449 form was filed on July 26, 2004 together with a copy of the cited art. The form was never received in return initialed by the Examiner. Applicant is resubmitting the form again and respectfully requests that the references listed thereon be initialed by the Examiner. Applicant assumes that the art has already been considered by the Examiner in accordance with MPEP 609.

In view of the above remarks, applicant submits that the claims are patentable over the prior art. Allowance of the application is respectfully awaited. If, however, the Examiner is not convinced and the Examiner is of the opinion that a telephone conversation may forward the present application toward allowance, applicant respectfully requests that the Examiner call Yaakov SCHATZ at 1 (877) 428-5468. Please note that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

Respectfully submitted,
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